

DD/A REGISTRY  
FILE: Security - 4-1

UGC 81-01371  
20 February 1981

MEMORANDUM FOR: Associate Deputy Director for Administration

STAT FROM:

[REDACTED]  
Assistant General Counsel

SUBJECT: Fee Waiver Policy for FOIA Requests

REFERENCES: (1) Your Memorandum 81-0264 to DCI, Same Subject  
(2) CIA Fee Waiver Regulation, 32 C.F.R. Section 1900.25  
(3) Memorandum from C/IPD dated 4 February 1981, Subject: Processing of Fee Waiver Requests

1. Pursuant to your discussion and agreement with Mr. Silver, I am returning Reference 1 for your retention.

2. As discussed, decisions on requests for fee waivers are administrative determinations within the cognizance of the C/IPD, at the initial level, and DIS, at the appellate level. The Freedom of Information Act mandates that a fee waiver or reduction be granted when it is determined that furnishing the requested information will be in "the public interest." Such a release is in the public interest if the responsible authority determines that it will primarily benefit the general public. The Agency has adopted regulations, 32 C.F.R. §1900.25, which enumerate the particular considerations which should be the basis of the fee waiver determination by C/IPD or DIS.

3. Accordingly, the policy which was set forth in your memorandum may be adopted provided that it is based on public (or governmental) benefit considerations and not solely on the fact that no records are located or no records are released.

[REDACTED]  
Assistant General Counsel

STAT

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REMARKS DO/A - 81-0064

1-2 -

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a legal opinion.  
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